UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,493	04/18/2001	Jan Holler	45687-00055	7908

38065	7590	02/24/2005

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EXAMINER
NANO, SARGON N

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/837,493	HOLLER ET AL.
	Examiner	Art Unit	
	Sargon N Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 November 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-47* is/are pending in the application.

    4a) Of the above claim(s) *1-23* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *24-47* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   This action is responsive to amendment filed on Nov. 12, 2004. Claims 1 – 23

are cancelled. Claims 24 – 47 are new. Claims 24 – 47 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23 – 47 are rejected under 35 U.S.C. 102(e) as being anticipated by

Sahai et al. U.S. Patent No. 6,594,699 (referred to hereafter as Sahai).

As to claim 24, Sahai teaches a method of processing streaming media in a

communications system that includes an Internet Protocol (IP) network, the method

comprising the steps of:

configuring a service for providing a media stream to a first entity, by addressing a

gateway controller having a known Uniform Resource Identifier (URI) and including

information relevant to the first entity(see col. 3 lines 5 - 22 Sahai discloses the

multimedia to be transferred using Universal Resource Locator which allows dynamic

configuration and where the capabilities of the client are shipped to the server);

initiating the media stream between the first entity and a second entity, with the first

entity receiving, and the second entity sending the media stream via a first path that

includes a gateway that is coupled to the IP network, the gateway being managed by

the gateway controller (see col.3 lines 43- 49, Sahai discloses the transport or delivery

of streaming data using IP network protocol).

negotiating a format that is acceptable to the first and second entities for each

component of the media stream, wherein a component with an unacceptable format is

converted by the gateway prior to forwarding to the first entity(see col.6 lines 12 - 49

Sahai discloses choosing the appropriate format according to certain criteria and then

sending the data to the client).

invoking the gateway controller, via a second path, to cause the gateway to

process the media stream from the second entity (see col. 6 lines 12 - 16 and fig.3 .

Sahai discloses streaming to the client from a server).

processing each component according to the negotiated formats; and

sending the media stream on to the first entity (see col. 3 lines 23 - 67, sahai discloses

multimedia is streamed according to media format supported by clients components).

As to claim 25, Sahai teaches the method of claim 24, wherein the step of configuring a service is performed by the first entity sending a service request message from the first entity to the gateway (see col. 5 lines 26 - 37).

As to claim 26, Sahai teaches the method of claim 25, wherein the service request message includes an address for receiving the media stream (see col. 5 lines 38 - 46).

As to claim 27, Sahai teaches the method of claim 24, wherein a voice component of the media stream is a Global System for Mobile communications (GSM) and the voice component Is directed to the first entity via the IP network (see col. 3, lines 23 - 67).

As to claim 28, Sahai teaches the method of claim 24, wherein a video component of the media stream is in Motion Pictures Expert Group (MPEG) format and the video component is directed to the first entity via the IP network and if the format of the video component is unacceptable to the first entity the video component is sent to the gateway for conversion before forwarding the video component to the first entity (see col. 3, lines 23 - 67).

As to claim 29,Sahai teaches the method of claim 24, further comprising the step of the first entity sending a control protocol to the gateway controller to configure the service (see col. 3 lines 5 - 22).

As to claim 30, Sahai teaches the method of claim 24, wherein the service request includes the type of service (see col. 3 lines 43 - 56).

As to claim 31. Sahai teaches the method of claim 24, further comprising responding to the service request including address Information associated with the gateway in the form of an IP address and a port number (see col. 3 lines 40 - 49).

As to claim 32,Sahai teaches the method of claim 28 further comprising transmitting the media stream over the IP network to the gateway wherein the video stream is processed and then transferred via the gateway to the first entity (see col. 5 lines 26 - 37).

As to claim 33,Sahai teaches the method of claim 27, further comprising transferring the voice component over the IP network directly between the second and first entity (see col. 3 lines 43 - 49).

As to claim 34, Sahai teaches the method of claim 24, wherein the first entity is a mobile terminal and the second entity is one of a terminal and an end user serving terminal(see col. 4, lines 57 - 63).

As to claim 35, Sahai teaches the method of claim 24, wherein the URI of the gateway controller provides availability of external control by an entity having knowledge of the U R I (see col. 5 lines 47 - 63).

As to claim 36, Sahai teaches a communication system, that includes an internet Protocol (IP) network, for processing streaming media, comprising:

means for configuring a service for providing a media stream to a first entity by addressing a gateway controller having a known Uniform Resource identifier (URI)and including relevant information pertaining to the first entity(see col. 3 lines 5 - 22);

a gateway coupled to the IP network for providing a service for processing at least one component of the media stream, wherein the gateway is managed by the gateway controller(see col. 5 lines 26 - 37);

means for initiating the media stream between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream via a first path that includes tie gateway(see col.3 lines 43- 49);

means for negotiating a format for each component of the media stream that is acceptable to the first and second entities, wherein a component with an unacceptable

format is converted by the gateway prior to forwarding to the first entity(see col.6 lines

12 - 49);

means for invoking the gateway controller, by a second path, to cause the

gateway to process the media stream from the second entity(see col. 6 lines 12 - 16

and fig.3);

means for processing the at least one component of the media stream according to the

negotiated formats, and means for sending the associated media stream on to the first

entity(see col. 3 lines 23 - 67).

As to claim 37, Sahai teaches the communication system of claim 36, wherein

the means for configuring the service further comprises means in the gateway controller

for receiving the service request by the first entity   (see col. 5 lines 26 - 37).

As to claim 38,Sahai teaches the communication system of claim 36, wherein the

service request message includes an address for receiving the media stream(see col. 5

lines 38 - 46).

As to claim 39, Sahai teaches the communication system of claim 36, wherein a

voice component of the media stream is a Global System for Mobile communications

(GSM) and the voice component is directed to the first entity via a first path (see col. 3,

lines 23 - 67).

As to claim 40,Sahai teaches the communication system of claim 36, wherein a

video component of the media stream Is In Motion Pictures Expert Group

(MPEG).format and the video component is directed to the first entity via the IP network

and if the format of the video component is unacceptable to the first entity the video

component is sent to the gateway for conversion before forwarding the video

component to the first entity (see col. 3, lines 23 - 67).

As to claim 41,Sahai teaches the communication system of claim 36, further

comprising the step of the first entity sending a control protocol to the gateway controller

to configure the service (see col. 3 lines 5 - 22).

As to claim, 42,Sahai teaches the communication system of claim 36, wherein

the service request includes the type of service(see col. 3 lines 43 - 56).

As to claim 43,Sahai teaches the communication system of claim 36 further

comprising:

responding to the service request including address information associated with the

gateway in the form of an IP address and a port number(see col. 3 lines 40 - 49).

As to claim 44,Sahai teaches the communication system of claim 36 wherein the

gateway further comprises :

means for processing a video component of the media stream and

means for transferring the processed video component of the media stream over the IP

network via the gateway to the first entity(see col. 3 lines 43 - 59).

As to claim 45,Sahai teaches the communication system of claim 39, further

comprising transferring the voice component over the IP network directly between the

second and first entity(see col. 3 lines 43 - 49).

As to claim 46, Sahai teaches the communication system of claim 36, wherein

the first entity is a mobile terminal and the second entity is one of a terminal and an end

user serving terminal (see col. 4, lines 57 - 63).

As to claim 47, Sahai teaches the communication system of claim 36, wherein the URI of the gateway controller provides availability of external control by any entity having knowledge of the URI (see col. 5 lines 47 - 63).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Method and Apparatus for Controlling Bandwidth in A Switched Broadband Multipoint/Multimedia Network by Golden et al. U.S. Patent No.6,452,924.

- Device, System And Method of real Time Multimedia streaming by Zhu et al. U.S. Patent No. 5,768,527.
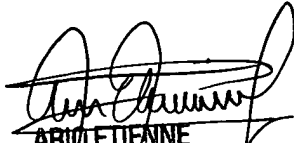
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Feb. 21, 2005

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